

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

FILED

APR 14 2014

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY DEP CLK

ANTHONY E. WHITE,

Plaintiff,

v.

CATERPILLAR LOGISTICS INC.

Defendant.

Case No. 5:13-cv-00684-F

**MOTION TO ENTER AND GRANT
DEFAULT JUDGEMENT**

**PLAINTIFF'S REVISED MOTION TO ENTER AND GRANT JUDGEMENT BY
DEFAULT RULE 55**

Plaintiff (Anthony White) ask before the honorable Clerk of Court to enter and grant Default law Rule 55 default against Defendant (Caterpillar Logistics Inc) for failure to answer or plead to (doc 4) within the required timeframe. Plaintiff served the defendant with a civil summons and a copy of the complaint required by law within the required timeframe. The defendant did not respond in time to the plaintiff's complaint. The defendant received summons to serve (doc 5) at Caterpillar Logistics Headquarters 100 N.E. Adams Street Peoria, Illinois 61629 accepted by company agent (doc 10) on 21 October 2013 which, the time began on 22 October 2013 the defendant didn't respond nor answer (doc 11) until 12 November 2013 (22 days after). Also the defendant received summons to serve (doc 5) at Caterpillar Logistics Facility 954 State Hwy 42 Clayton, North Carolina 27527 accepted by company agent (doc 10) on 18 October 2013 which the time began on 19 October 2013 the defendant didn't respond nor answer (doc 11) until 12 November 2013 (24 days after). The defendants didn't request for waiver so the time began after the company agents signed. Summons clearly states (Doc 5) *Within 21 days after service of this summons on you (not counting the day you received it) or 60 days if you are the United States agency or an offer or employee of the United States*

described in Fed R. Civ P. 12(a)(2) or(3)—you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal rules of Civil Procedure. If you fail to respond judgment by default will be entered against you for the relief demanded in the complaint.

The Plaintiff filed a legal civil lawsuit within the required timeframe. If the Plaintiff didn't file within 90 days from the date of Letter to Suit the Plaintiff (Anthony White) would of lost his rights to file a lawsuit against the defendant by law. The law would be forced thoroughly to the Plaintiff if it was (1 day late) I would not been eligible to file, Plaintiff request the same rules and laws are applied to the defendant for not answering or pleading within a required timeframe. Plaintiff provided service of the process summon and copy of complaint on the defendant the date of service as appears from the return of the process, and that the time within which the defendant may answer or otherwise move as to the complaint, counterclaim, cross-claim, or third-party complaint which, expired after 11:59pm on 11 November 2013.

The defendant had a clear amount of time to file a motion for an extension of time to perform an act required or allowed to be done within a specified time the defendant must show good cause, prior consultation with opposing party *Pro Se Plaintiff*. The defendant never communicated to Plaintiff about a extension nor did they apply for one with the courts until Plaintiff requested entry of default by judgment.

Plaintiff is requesting the court will set a hearing for the plaintiff to discuss total amount of relief owed and schedule date for defendant to pay total relief amount. Plaintiff is requesting that the courts make the Plaintiff whole. I (Anthony White) would of made a positive impact to the company if I had a honest chance. Based from my 15 years in the Logistics and Operations Industry plus my

Bachelors in Business Administration majoring in Operations Management I was well on my way for great success, which has been striped from me.

Conclusion:

Support for default judgment:

- A. The defendant has failed twice (doc 4) and (doc 13) to respond to the plaintiff's complaint. The defendant received summons to serve (doc 10) on (21 October 2013) which the time began on (22 October 2013) the defendant didn't respond or answer (doc 11) to (doc 4) until (12 November 2013) (22 days) after.**
- B. The defendant received summons to serve (doc 10) on (18 October 2013) which the time began on (19 October 2013) the defendant didn't respond or answer (doc 11) to (doc 4) until (12 November 2013) (24 days) after.**
- C. The defendant failed to file a financial disclosure statement with the Answer and Affirmative defense responds and Notice of Appearance as required Federal Rule of Civil Procedure 7.1 and Local Civil Rule 7.3. Defendant filed financial disclosure late as well.**
- D. The defendant lacks a defense for this case. The defendant hasn't shown any evidence to defend their case to indicate the harassment, retaliation and discriminatory acts didn't occur in their facility.**
- E. The defendant failed to take effective action to improve the hostile work environment to correct their actions.**
- F. The plaintiff made numerous internal complaints to the defendant's management team about the discomfort from the harassment, retaliation, and discriminatory acts.**
- G. The plaintiff provided the court along with the defendant with accurate documents, emails, and conversations.**
- H. The defendant has neglected the Law of the courts by not responding on time just as the defendant neglected the Plaintiff's complaints asking for change in the work place. The defendant have handled this civil lawsuit with careless actions, that shows the lack of**

defendant have handled this civil lawsuit with careless actions, that shows the lack of respect by not obeying the timeframes enforced by this court system, the local law and the Federal Rule Procedures that apply.

Default may be served on the Defendant (Caterpillar Inc. & Caterpillar Logistics Inc) at 100 N.E. Adams Street Peoria, IL 61629 & 954 State Highway 42 Clayton, NC 27527

Punitive damages	\$550,000
Emotional damages	\$350,000
Pain and Suffering damages	\$350,000
Character Assassination	\$350,000
Past and Future wage loss	\$400,000
Total amount of relief	<u>\$2,000,000.00</u>

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UNITED STATES DISTRICT COURT
Eastern District ^{for the} of North Carolina
Western Division

White, Anthony E.

Plaintiff(s)

v.

Caterpillar Inc.

Defendant(s)

Civil Action No. 5:13-CV-684-F

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Caterpillar Inc. Headquarters
100 N.E. Adams Street
Peoria, IL 61629

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anthony E. White
103 Rock River Road
Morrisville, NC 27560

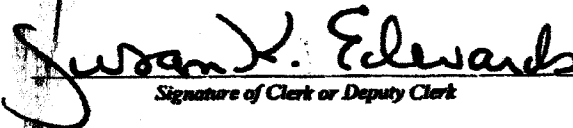
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JULIA RICHARDS, CLERK

CLERK OF COURT

Date:

10/7/13


Signature of Clerk or Deputy Clerk

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U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN-
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF
ANTHONY E. WHITE

COURT CASE NUMBER
5:13-CV-684-F

DEFENDANT
CATERPILLAR, INC.

TYPE OF PROCESS
Order, complaint, summons

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Caterpillar, Inc., Headquarters
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
100 N.E. Adams Street, Peoria, IL 61629

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

Anthony E. White
103 Rock River Road
Morrisville, NC 27560

Number of process to be
served with this Form 285

3

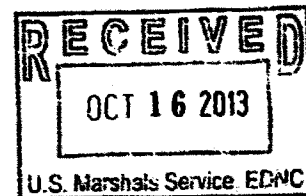
Number of parties to be
served in this case

2

Check for service
on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses,
All Telephone Numbers, and Estimated Times Available for Service):

Fold



Fold

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF

☐ DEFENDANT

TELEPHONE NUMBER

910-815-4663

DATE

10/7/13

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total
number of process indicated.
(Sign only for USM 285 if more
than one USM 285 is submitted)

Total Process

1

District of
Origin

No. 56

District to
Serve

No. 56

Signature of Authorized USMS Deputy or Clerk

Nancy Britt

Date

10-16-13

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described
on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

FILED

☐ A person of suitable age and discretion
then residing in defendant's usual place
of abode

Address (complete only different than shown above)

OCT 30 2013

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY [Signature]

Date

10-21-13

Time

☐ am
☐ pm

Signature of U.S. Marshal or Deputy

Nancy Britt

Service Fee

8.00

Total Mileage Charges
including endeavors

Forwarding Fee

Total Charges

8.00

Advance Deposits

Amount owed to U.S. Marshal* or
(Amount of Refund)

8.00

~~50.00~~

REMARKS: 10-16-13: CM 7012 3050 0002 0487 0775

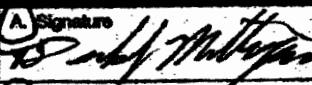
10-24-13: See attached

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENTS: To be submitted to the U.S. Marshal with payment

PRIOR EDITIONS MAY BE USED

①

SEND IT ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature  B. Received by (Printed Name) D. J. Miller C. Date of Delivery 10-24-13 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
1. Article Addressed to: Caterpillar, Inc., Headquarters 100 N.E. Adams Street Peoria, IL 61629 5:13-CV-684-F		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7012 3050 0002 0487 0775	
PS Form 3811, February 2004		Domestic Return Receipt	

102905-02-01-0000

UNITED STATES DISTRICT COURT

Eastern District ^{for the} of North Carolina
Western Division

White, Anthony E.

Plaintiff(s)

v.

Caterpillar Inc.

Defendant(s)

Civil Action No. 5:13-CV-684-F

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Caterpillar Inc.
954 State Hwy 42
Clayton, NC 27527

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anthony E. White
103 Rock River Road
Morrisville, NC 27560

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JULIE A. RICHARDS, CLERK

CLERK OF COURT

Date:

10/7/13

Susan K. Edwards

Signature of Clerk or Deputy Clerk

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF
ANTHONY E. WHITE

COURT CASE NUMBER
5:13-CV-684-F

DEFENDANT
CATERPILLAR, INC.

TYPE OF PROCESS
Order, complaint, summons

**SERVE
AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

Caterpillar, Inc.

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

954 State Highway 42, Clayton, NC 27527

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

Anthony E. White
103 Rock River Road
Morrisville, NC 27560

Number of process to be
served with this Form 285

3

Number of parties to be
served in this case

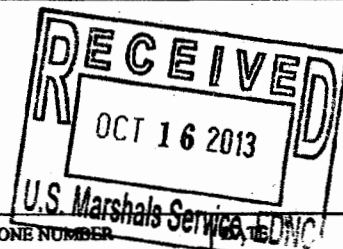
2

Check for service
on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses,
All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold



Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF

☐ DEFENDANT

TELEPHONE NUMBER

910-815-4663

10/7/13

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total
number of process indicated.
(Sign only for USM 285 if more
than one USM 285 is submitted)

Total Process

1

District of
Origin

No. 56

District to
Serve

No. 56

Signature of Authorized USMS Deputy or Clerk

Nancy Britt

Date

10-16-13

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described
on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

FILED

☐ A person of suitable age and discretion
then residing in defendant's usual place
of abode

Address (complete only different than shown above)

OCT 30 2013

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY MM DEP CLK

Date

10-18-13

Time

☐ am
☐ pm

Signature of U.S. Marshal or Deputy

Nancy Britt

Service Fee

Total Mileage Charges
including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal* or
(Amount of Refund*)

\$0.00

REMARKS: 10-16-13: CM 7012 3050 0002 0487 0782

10-23-13: See attached

PRINT COPIES

1. CLERK OF THE COURT

2. USMS RECORD

3. NOTICE OF SERVICE

4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment

PRIOR EDITIONS MAY BE USED

(2)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Caterpillar, Inc.
954 State Highway 42
Clayton, NC 27527

5:13-CV-684-F

2. Article Number
(Transfer from service label)

7012 3050 0002 0487 0782

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)

PS Form 3811, February 2004

Domestic Return Receipt

19200-02-M-1540

RECEIVED BY: COMPLETE THIS SECTION

A. Signature
[Signature]

B. Received by (Printed Name)
SMITH

C. Date of Delivery
10-16-13

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

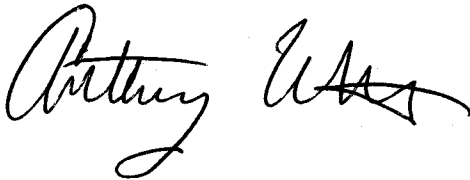
WHEREFORE, Plaintiff respectfully request that this honorable court grant judgment by default against the Defendants;

Respectfully submitted this 14 day of April 2014.

ANTHONY E. WHITE

By s/ Anthony E. White
Anthony E. White
103 Rock River Road
Morrisville, North Carolina ,27560

Pro Se Plaintiff

A handwritten signature in black ink, appearing to read "Anthony White", with a stylized flourish at the end.

Date: April 14, 2014

Case No. 5:13-cv-00684-F

919 653 7819